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Camden, NJ (BlackNews.com) - A nationwide class action lawsuit has been filed against Campbell Soup Company, charging that African American employees are denied professional development opportunities. The lawsuit has been filed in Camden, New Jersey, home of Campbell's headquarters.
Filing on behalf of the Plaintiff Chester Hicks and the proposed Class are the Houston, Texas based firm, Nelkin, Nelkin & Krock, P.C., and Sidney L. Gold & Associates, based in Philadelphia.

The complaint asserts that African Americas are repeatedly passed over for promotions in favor of less qualified and less experienced white employees. The Equal Employment Opportunity Commission has issued a finding of probable cause in connection with Plaintiff Hicks' charge. The Commission's investigation revealed that Campbell's was engaged in the practice of awarding promotions using a subjective, informal, and secretive method in which white managers were selected favored white candidates.

According to the Commission, the sales position of "Territory Manager II" was not commonly known to exist, nor were the promotions to that position given to whites competitively announced. Furthermore, this position was not listed, so neither Plaintiff Hicks nor other African Americans could have known to apply for it. Campbell's contends that the position was created to "fairly justify retaining certain employees at an appropriate wage schedule after they had been reassigned." However, the Commission found that this explanation "is called into question by a number of factors, including the secretiveness with which these actions were handled, efforts to disguise the existence of this position and its quite belated bestowal on [Plaintiff Hicks] and another African American co-worker."

As a result of Campbell's discriminatory practices, Plaintiff Hicks, who received only excellent performance reviews over his 24-year tenure with Campbell's sales force, "saw a steady stream of white co-workers progress through the ranks of Territory Manager, Account Manager, Account Executive, District Manager, Regional Manager and beyond, while he and his African American co-workers remained in entry level Territory Manager positions despite their years of experience and their qualifications."

The complaint asserts that Campbell's began requiring or strongly preferring four-year college degrees for all new Territory Managers on the sales force in an effort to justify its discriminatory treatment of African Americans. Campbell's instituted this requirement without ever conducting any studies to determine if a college degree was a bona fide occupational qualification for this position, or any other position within the career path to higher level positions within its sales force. The Commission concluded that the bachelor's degree requirement "would have an adverse disparate impact against African American job applicants and/or employees that would not satisfy the business necessity test as a requirement for hiring."

Furthermore, according to the suit, for those very few African Americans who do advance past entry level positions, there is a "glass ceiling" that prevents them from being considered for higher management positions.

There was a time when Campbell's hired an African American Director of Human Resources.

The Director admitted to Plaintiff Hicks the existence of both a glass ceiling and a "glass wall." This same Director appointed the company's first African American Account Executive. Within months, Campbell's decided to eliminate the Executive's position and offered the African American individual a position three levels below the Account Executive position. The African American employee resigned from the company. Within three months of his resignation, Campbell's reinstated the Account Executive position, and hired a white individual.

The lawsuit also charges that African American employees' compensation is adversely affected by Campbell's discriminatory actions. According to the complaint, African American sales personnel are not only affected by unfair promotion procedures, but are assigned to smaller accounts in remote locations, negatively impacting their compensation. Furthermore, African American sales employees are allegedly compensated at the lower end of the salary range for their job level. Thus, any percentage of salary merit increase compensates white employees at a higher rate than African American employees. Decisions as to account assignments, salary and merit increases are left to the discretion of the predominantly white supervisors.

Plaintiff Hicks filed the class action suit on behalf of himself and all African Americans employed by Campbell's in salaried sales positions in the United States at any time after July 7, 2003. The suit seeks an injunction to end Campbell's discriminatory practices and prevent current and future harm, as well as compensatory and punitive damages for the Plaintiff and the class.